Supreme Court, U. S.
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in the

Supreme Court

of the

United States

**Nos. 75-62, 75-66,
75-278 and
75-306**

RUSSELL L. RUNYON, et al.,
Petitioners,

vs.

MICHAEL C. McCRARY, etc., et al.,
Respondents.

MOTION OF DADE CHRISTIAN SCHOOLS, INC., FOR LEAVE TO PRESENT ORAL ARGUMENT

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Pursuant to Rule 44.7 of the Rules of this Court, DADE CHRISTIAN SCHOOLS, INC., respectfully moves for special leave of Court permitting its undersigned attorney to present an oral argument in the above referenced matters on the side of the defendants. In support of this motion, DADE CHRISTIAN SCHOOLS, INC., would show the Court the following:

1. On December 11, 1975, DADE CHRISTIAN SCHOOLS, INC., (DADE CHRISTIAN) moved the Court for leave to file a brief in these matters as *amicus curiae*. That motion was granted on January 12, 1976, and DADE CHRISTIAN's brief was filed on January 21, 1976.

2. Like the defendants in the above referenced matters, DADE CHRISTIAN has been sued under 42 U.S.C. §1981 by members of the black race because of its racially discriminatory admissions policy. Unlike the defendants in the pending cases, however, DADE CHRISTIAN has never denied that it utilized race as an admissions criteria and DADE CHRISTIAN has consistently justified its racially discriminatory admissions policy on religious grounds. In addition, unlike the pending actions, suit was instituted against DADE CHRISTIAN within two weeks of the racially motivated exclusion of members of the black race from the school's student body.

3. DADE CHRISTIAN has filed the only brief as *amicus curiae* in these matters on the side of the defendants, while several such briefs have been filed on the side of the plaintiffs.

4. Among the participants in these cases, DADE CHRISTIAN stands as the sole representative of thousands of parents and students throughout the United States who support racially segregated private schools operated under the auspices of religious organizations. In a proceeding as sensitive as this one, surely this sector of American society should be fully heard by this Court.

For the foregoing reasons, DADE CHRISTIAN respectfully asks that this motion be granted.

Respectfully submitted,

SHUTTS & BOWEN
Attorneys for
Dade Christian Schools, Inc.
Tenth Floor
First National Bank Building
Miami, Florida 33131

By /s/ Lawrence R. Metsch
LAWRENCE R. METSCH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing motion were mailed this 20 day of February, 1976, to the following:

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/s/ Lawrence R. Metsch

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